

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

Amendment of Parts 1, 2, 15, 74, 78, 87, 90,	)	
and 97 of the Commission's Rules Regarding	)	
Implementation of the Final Acts of the World	)	ET Docket No. 12-338
Radiocommunication Conference	)	
(Geneva, 2007) (WRC-07), Other Allocation	)	
Issues, and Related Rule Updates	)	

To the Commission:

**REPLY COMMENTS OF JAMES EDWIN WHEDBEE TO COMMENTS OF ITM MARINE**

Comes now JAMES EDWIN WHEDBEE who, through the Commission and pursuant to Sections 1.41, 1.415, and 1.419 of the Commission's Rules (47 CFR Sections 1.41, 1.415, and 1.419), respectfully replies hereby to filed comments of ITM Marine ("ITM") regarding an upgrade of the Amateur Radio allocation at 1.9 to 2 MHz (1900-2000 kHz).

1. ITM Marine, by and through its President: Mr. Steve Beaver, suggests that: *"These devices are currently used, and have been for approximately 30 - 40 years, by our USA based high seas migratory species fishing fleets in the Atlantic and Pacific Oceans. As described in the attached text from your docket, these devices are licensed for use in the 1900– 2000 Khz band. We estimate that there are at least 500 **active** vessels, and possibly 250 – 500 in more in the USA, which are using radio buoys. Each of these vessels carries up to 10 or more of these devices, depending on the vessel size."* (ITM Comments, p.1)

2. ITM Marine further suggests that: *"1/ since these equipments are primarily used offshore, in international waters, the operators did not license them for use in the USA (they are FCC approved). 2/ The owners already have licenses for the vessels transmitting equipment, and believe that the buoys fall under this license as ships equipment."* (ibid.)


3. ITM Marine's comments suggest that vessel owners mistakenly believe that a ship radio station license (Radio Service Code "SA" or "SB") under FCC Rule Part 80 covers radiolocation transmissions. This is untrue. Radiolocation service on 1.9-2 MHz (1900-2000 kHz) requires FCC licensure under Section 90.103(b) of the Commission's rules. Accordingly, ITM Marine is suggesting its clients are operating unlicensed radiolocation transmitters in violation of Part 90 of the Commission's rules. It is unreasonable for ITM Marine and its clients to expect unlicensed operation to receive protection over licensed services; accordingly, the Commission should overrule ITM's objection.

4. The undersigned points out that the Commission relied on its database of licensees to render its conclusions; accordingly, it's unfair for ITM Marine's clients to essentially suggest that "Oops, we forgot to get licensed..." to keep an allocation.

5. ITM's objection is not properly served and not in the proper form for submission; however, Section 1.41 of the Commission's rules permit informal consideration – therefore, the undersigned requests that, if informally considered as an objection, ITM's objection be overruled as evidence of illegal operation which the Commission cannot condone.

WHEREFORE, the undersigned respectfully requests the Commission overrule ITM's objection and instead continue with the intended reallocation of 1.9-2 MHz (1900-2000 kHz) to the Amateur Radio service.

Respectfully Submitted:



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